UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WILLIAM C. WATTS, Plaintiff, v. FEDERAL EXPRESS CORPORATION, Defendant.	)	Civil Action No. 02-2329 (PLF)

ORDER

William C. Watts, plaintiff in this matter, died on December 16, 2003. On January 14, 2004, defendant filed a suggestion of plaintiff's death pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, which provides that:

> If a party dies and the claim is not thereby extinguished, the court may order substitution of the proper parties. The motion for substitution may be made by any party or by the successors or representatives of the deceased party and, together with the notice of hearing, shall be served on the parties as provided in Rule 5 and upon persons not parties in the manner provided in Rule 4 for the service of a summons, and may be served in any judicial district. Unless the motion for substitution is made not later than 90 days after the death is suggested upon the record by service of a statement of the fact of the death as provided herein for the service of the motion, the action shall be dismissed as to the deceased party.

Fed. R. Civ. P. 25(a)(1).

The suggestion of death filed on January 14, 2004, and another filed by defendant on May 25, 2004, in the Court's judgment did not demonstrate sufficiently that plaintiff's successors or representatives had been notified in accordance with Rule 25(a)(1). On December

13, 2004, the Court directed defendant to file satisfactory proof that plaintiff's surviving relatives had been served with defendant's suggestion of death on or before January 15, 2005, at which time the 90-day period set forth in Rule 25(a)(1) would begin to run. On January 11, 2005, defendants filed a renewed suggestion of death, along with documents demonstrating that the suggestion of death had been served on Linda Watts, plaintiff's aunt, in accordance with Rule 25.

Accordingly, pursuant to the Court's Order of December 13, 2004 and Rule 25(a)(1) of the Federal Rules of Civil Procedure, it is hereby

ORDERED that plaintiff's successors or representatives shall move to be substituted as a proper party by April 15, 2005. If no motion for substitution is filed, the case shall be dismissed and removed from the docket of this Court.

SO ORDERED.

/s/_____
PAUL L. FRIEDMAN
United States District Judge

DATE: January 28, 2005